

REMARKS/ARGUMENTS

Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. Claims 1-7 originally appeared in the application. Applicants have cancelled claims 3, 4, 6, and 7. The claims presented for examination are: claims 1, 2, and 5.

Allowed Claims

Claims 1 and 2 were allowed in numbered paragraph 2 of the Office Action mailed December 12, 2007.

35 U.S.C. § 112 Rejection

In numbered paragraph 2 of the Office Action mailed December 12, 2007 claims 5-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated, "The scope of the claims is unclear because in claim 5, the preamble recites 'consisting of', and in the body, 'said dispensing means is' but in claim 6, open language is used (e.g., 'includes' in claim 6). See, e.g., M.P.E.P. 2111.03. It is therefore unclear how limited the claims are if at least some elements can be made of any number of additional sub-elements."

In numbered paragraph 4 of the Office Action mailed December 12, 2007 the Examiner stated, "the use of 'includes' in claim 6 raises a new issue with respect to the scope of the claims...."


Claim 6 has been cancelled.

Applicants believe that the amendment cancelling claim 6 overcomes the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, and that a complete response to the rejection has been provided.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated December 12, 2007 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eddie E. Scott", is written over a horizontal line.

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